

Government of West Bengal
Department of Environment

Writers' Buildings, Block-'G', 2nd Floor, Kolkata-700 001.



NOTIFICATION

No. EN/202/3C-01/2013

Dated, Kolkata the 21st January, 2013.

78/2

WHEREAS in W. P. No. 6079 (W) of 2012 (MD. Fashihuddin -Vs- State of West Bengal & Ors.) Hon'ble Chief Justice J.N .Patel and Hon'ble Justice Joymalya Bagchi of Calcutta High Court passed order on 14.09.2012 and clubbed group of petitions pertaining to different establishments and conducting the business of brick manufacturing throughout the State of West Bengal as Public Interest Litigation;

AND WHEREAS Hon'ble High Court directed the State Government to constitute a Screening and Scrutiny Committee at the District Level (hereinafter referred to as the said Committee) consisting of District Land and Land Reforms Officer of the concerned District and the Regional Officer of the West Bengal Pollution Control Board of the concerned District, to examine all issues raised in the group of writ petitions, to deal with the illegalities and irregularities in the conduct of such business to the detriment of environment, as well as to deal with any complaint made to the Committee pertaining to conduct of business of brick manufacturing throughout the State of West Bengal;

AND WHEREAS Hon'ble High Court directed that the said Committee will deal with complaints/grievances of citizens regarding the brick kilns to be established by the manufacturers of the brick field and also the existing brick fields before they approach the Hon'ble High Court;

AND WHEREAS Hon'ble High Court directed that the said Committee shall give an opportunity of hearing to all the concerned parties before taking any decision and will look into the matter and after examining the same shall pass a reasoned order and the said decision shall be communicated to the affected person;

AND WHEREAS Hon'ble High Court directed that the said Committee will also have a right to impose costs on false, frivolous complaints and to proceed ex parte in case the party does not appear before it without seeking any adjournment for good and sufficient grounds and shall act as a quasi judicial authority;

AND WHEREAS Hon'ble High Court directed that in future all grievances and complaint relating to breach/violation of Environment Laws/other statutory provisions by persons/legal entities in operation of brick kiln/fields shall be referred to the said Committee before such matter is brought before the Court;

AND WHEREAS Hon'ble High Court directed that the said Committee shall take steps to implement its orders or previous orders, if any, passed by the competent authority in the matter such as District Land & Land Reforms Officer of the Concerned District or. Regional Officer of the West Bengal Pollution Control Board;

AND WHEREAS Hon'ble High Court directed that all State functionaries including Police Authorities shall render assistance to the Screening and Scrutiny Committee in implementing and executing the order of the Committee;

NOW, THEREFORE, the Governor is pleased hereby to constitute the Screening and Scrutiny Committee at the District Level for each District in West Bengal, consisting of the District Land and Land Reforms Officer of the concerned District and the Regional Officer of the West Bengal Pollution Control Board of the concerned District;

The Governor is further pleased to direct that henceforth all application relating to Consent to Establish, Consent to operate and all environmental matters relating to brick field shall be disposed of by such Screening and Scrutiny Committee at the District Level. The West Bengal Pollution Control Board and the Department of Environment, Government of West Bengal shall forward all application/ complain/grievance relating to brick field to the Screening and Scrutiny Committee of the concerned District for consideration on merit and disposal;

The Governor is also pleased to direct that the District Land and Land Reforms Officer of the concerned District shall in consultation with Regional Officer of the West Bengal Pollution Control Board of the concerned District fix/decide suitable and convenient date, time and place for consideration and disposal of application/ complain/grievance relating to brick fields;

The Governor is also pleased to directed that the Screening and Scrutiny Committee of each District shall-

- (a) examine all issues raised in the writ petitions relating to the concerned District;
- (b) to deal with the illegalities and irregularities in the conduct of such business to the detriment of environment, relating to concerned District;
- (c) any complaint made to the Committee pertaining to conduct of business of brick manufacturing of the concerned District;
- (d) deal with complaints/grievances of citizens relating to the concerned District before they approach the Hon'ble High Court;
- (e) give an opportunity of hearing to all the concerned parties before taking any decision;
- (f) impose costs on false, frivolous complaints and to proceed ex parte in case the party does not appear before it without seeking any adjournment for good and sufficient grounds and shall act as a quasi judicial authority;
- (g) pass a reasoned order after hearing and the said decision shall be communicated to the affected person;
- (h) dispose of the complaints/grievances within a period of three months from the date of its receipt;

- (i) take into consideration directions/ orders of the West Bengal Pollution Control Board and that of Department of Environment, Government of West Bengal issued relating to brick fields;
- (j) entertain grievances and complaint relating to breach/violation of Environment Laws/other statutory provisions by persons/legal entities in operation of brick kiln/fields, concerning the District before such matter is brought before the Court in a Public interest Litigation or otherwise;
- (k) take steps to implement its orders or previous orders, if any, passed by the competent authority in the matter such as District Land & Land Reforms Officer of the Concerned District or. Regional Officer of the West Bengal Pollution Control Board;
- (l) issue necessary direction to the State functionaries including Police Authorities for executing the order of the Committee and they shall render necessary assistance in implementation of the direction issued by the Committee.

By order of the Governor,

Sd/-Trilochan Singh

Addl. Chief Secy. to the Govt. of West Bengal.

Copy forwarded for information and necessary action to-

1. The Chairman, West Bengal Pollution Control Board;
2. The Member-Secretary, West Bengal Pollution Control Board;
3. The District Magistrate.....District;
4. District Land & Land Reforms Officer *Murshidabad* District;
5. Salt Lake Regional Office of the West Bengal Pollution Control Board;
6. Camac Street Regional Office of the West Bengal Pollution Control Board;
7. Alipore Regional Office of the West Bengal Pollution Control Board;
8. Howrah Regional Office of the West Bengal Pollution Control Board;
9. Durgapur Regional Office of the West Bengal Pollution Control Board;
10. Barrackpore Regional Offices of the West Bengal Pollution Control Board;
11. Haldia Regional Offices of the West Bengal Pollution Control Board;
12. Siliguri Street Regional Offices of the West Bengal Pollution Control Board;
13. Hooghly Regional Offices of the West Bengal Pollution Control Board;
14. Maldah Regional Offices of the West Bengal Pollution Control Board;

Suhodh Sharma

21.01.13

Law Officer

P.T.O.

Memo No. 192/290/ 27 17(48)/X/34/C/13

Dated 14-3-13

Copy forwarded to :

1-5) Sub-Divisional Officer, Berhampore/Lalbagh/Kandi/Domkal/Jangipur for information and taking necessary action.

6-10) Sub-Divisional Land & Land Reforms Officer, Berhampore/Lalbagh/Kandi/Domkal/Jangipur for information and taking necessary action

11-37) Block Land & Land Reforms Officer, Berhampore/Beldenga-I/
Bel- II/Hariharpara/Nowda/Kandi/Bharatpur I/Bharatpur II/Burwan/Khargram/Msd-Jiaganj/
B'gola-I/B'gola-II/Lalgola/Nabagram/Domkal/Rani-I/Rani-II/Jalangi/R'ganj-I/R'ganj-II/Suti-I/
Suti-II/S' Ganj/Farakka/Sagardighi for information and taking necessary action.

39-45) O/C (Seristha)/O/C Law/O/C Estt/O/C LT/ O/C Vesting/O/C Conversion/O/C(MM)/T.A.(H/W)

Additional District Magistrate and
District Land & Land Reforms Officer
Murshidabad

Memo No. 340 (5)/SDL(L)/13 , Dt. 15.03.13.

Copy forwarded to: —

The BL & LRO, B'gola-I/B'gola-II/Lalgola/
M-J/Nabagram for information & taking up

Sub-Divisional Land & Land
Reforms Officer, Lalbagh
Murshidabad